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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,611	06/29/2001	Barney J. Auman	PAUMAB-CM	6803

7590 06-07/2004

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EXAMINER

MACKEY, JAMES P

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,611

Applicant(s)

AUMAN, BARNEY J.

Examiner

James Mackey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004 and 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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1. The amendment filed 07 January 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the amendment to the paragraph which begins on line 8 of page 8 introduces new matter into the specification, since the original specification **does not describe** rotation about a third axis being provided by a motor which is attached "to table 19" for providing rotary motion to "the supports which hold the shaft 2 to table 19". Note that the original specification described rotation about the third axis as being supplied only by a motor that provides rotary motion to the supporting bars 20.

Applicant is required to cancel the new matter in the reply to this Office Action.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3, 4, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by von der Heide (U.S. Patent 3,683,062; Figures 1-9; col. 8, lines 50-67, and col. 9, lines 16-32).

von der Heide teaches a machine which comprises a shaft 64 having a releasable connector 74 attached thereto for connecting a mold 23, 75 to the shaft (col. 7, lines 14-17), a means 24 for rotating the shaft about a first axis (which may be termed a "pitch axis"), a means 25 for rotating the shaft about a second axis (which may be termed a "roll axis") which is orthogonal to the first axis, and a means 112 for rotating the shaft about a third axis (which may be termed a "yaw axis") which is orthogonal to the first and second axes, the shaft extending

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substantially symmetrically about the point of rotation for the first axis. Note that a recitation with respect to the manner in which a claimed apparatus is intended to be employed (e.g., "for manufacturing a capital for an architectural column") does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, *Ex parte Masham*, 2 USPQ2d 1647.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 3, 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitavy et al. (U.S. Patent 4,764,322; Figures 1, 3 and 4; col. 4, lines 14-23) in view of any one of Pivar (U.S. Patent 3,825,395; Figure 1), Lin (U.S. Patent 5,035,601; Figures 1-3), Bavers (U.S. Patent 3,596,324; Figures 1-3), Friesen (U.S. Patent 4,695,244; Figures 1-2), Mankowich et al. (U.S. Patent 3,347,971; the Figure) and von der Heide (U.S. Patent 3,683,062; Figures 1-9; col. 8, lines 50-67, and col. 9, lines 16-32).

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Pitavy et al. disclose a rotational molding apparatus wherein a mold is rotated about three mutually orthogonal axes x, y and z (which may be termed "pitch", "roll", and "yaw" axes).

While Pitavy et al. do not explicitly disclose that the mold is mounted to a rotated shaft having a releasable connector attached thereto for connecting the mold to the shaft, such a mold support arrangement is conventional in the rotational molding art, as evidenced by any one of Pivar, Lin, Bavers, Friesen, Mankowich et al. and von der Heide. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pitavy et al. by providing a rotated shaft with a releasable connector attached thereto for connecting the mold to the shaft, since such were equivalent means for supporting the mold for rotation.

7. Applicant's arguments filed 07 January 2004 have been fully considered but they are not persuasive.

Applicant argues that neither van der Heide nor Pitavy et al. disclose an apparatus wherein each of the three axes of rotation will **always** be orthogonal to one another, since rotation about all of the three axes will sometimes cause one axis to not be orthogonal to another axis. However, such an argument is not commensurate in scope with the claims, which do not require that the three axes of rotation **always** be orthogonal to one another. Moreover, it must be noted that the rotation about the three axes as disclosed in the instant specification (page 8 beginning at line 8) occurs in such a manner that the three axes of rotation are not always orthogonal to one another, such that Applicant's argument is contrary to Applicant's disclosure.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

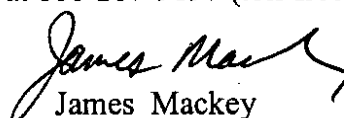
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mackey whose telephone number is 571-272-1135. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James Mackey
Primary Examiner
Art Unit 1722

6/2/04

jpm
June 2, 2004